

### **REMARKS**

The Official Action mailed June 8, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 2, 2004; June 30, 2004; January 10, 2005; January 27, 2005; March 14, 2005; May 17, 2005; October 25, 2005; December 8, 2005; and March 16, 2006.

The Applicants again note the partial consideration of the Information Disclosure Statement filed on October 12, 2004 (received by OIPE October 15, 2004). Specifically, in the "OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS" section, it appears that the Examiner inadvertently overlooked the citation of the "Office Action dated September 23, 2004 in Application Serial No. 10/852,125." The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Office Action in the '125 application.

The Applicants again note the partial consideration of the Information Disclosure Statement filed on March 3, 2005 (received by OIPE March 7, 2005). Specifically, in the "OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS" section, it appears that the Examiner inadvertently overlooked the citation of the "Office Action for U.S. Application Serial No. 10/925,980 dated February 7, 2005." The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Office Action in the '980 application.

A further Information Disclosure Statement was filed May 4, 2006 (received by OIPE May 9, 2006), and consideration of this Information Disclosure Statement is respectfully requested.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 35-61, 66 and 67 were pending in the present application prior to the above amendment. Claims 35-38 have been canceled without prejudice or disclaimer, independent claims 39-58 have been amended to better recite the features of the present invention, and new dependent claims 68 and 69 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 39-61 and 66-69 are now pending in the present application, of which claims 39-58 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 35-58 under 35 U.S.C. § 112, first paragraph, asserting that "[t]he application as originally filed does not specifically support the claim limitation '... resinous substrate comprises polyethylene naphthalate' " (page 2, Paper No. 20060516). The claims have been amended to delete the recitation of polyethylene naphthalate. The Applicant respectfully submits that amended claims 35-58 are adequately described and supported in the specification. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraphs 5-11 of the Official Action rejects claims 35-61, 66 and 67 as obvious based on the combination of U.S. Patent No. 5,229,644 to Wakai or JP 63-279228 to Nishiki and U.S. Patent No. 4,799,772 to Utsumi, either alone or in combination with one or more of the following: U.S. Patent No. 5,821,137 to Wakai and U.S. Patent No. 5,627,404 to Takenouchi. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available

to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 35-38 have been deleted without prejudice or disclaimer. Independent claims 39-58 have been amended to recite that a pair of resinous substrates (odd numbered independent claims) or a pair of flexible substrates (even numbered independent claims) have an uneven surface, and a resinous layer is formed on at least one of the pair of resinous or flexible substrates, where the resinous layer planarizes the uneven surface. The amended features are supported in the present specification, for example, by page 6, lines 17-29. For the reasons provided below, Wakai '644 or Nishiki and Utsumi, Wakai '137 and Takenouchi, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action asserts that Wakai '644 teaches "a pair of resinous substrates 101/116 facing each other" (page 3, Paper No. 20060516). However, Wakai '644 teaches that an "insulating substrate 101 may consist of glass, quartz, sapphire, or the like" (column 5, lines 54-55), and Wakai does not specify the material used for opposite

substrate 116. Therefore, Wakai '644 does not teach or suggest a pair of resinous substrates. Also, since Wakai '644 teaches a glass substrate 101, Wakai '644 does not teach or suggest a pair of flexible substrates.

The Official Action asserts that Nishiki teaches "a pair of resinous substrates 21, 31" (page 4, Paper No. 20060516). However, Nishiki teaches that reference characters 21 and 31 correspond with glass substrates (see the full English translation of Nishiki). Therefore, Wakai '644 does not teach or suggest a pair of resinous substrates.

Utsumi does not cure the deficiencies in Wakai '644 or Nishiki. Utsumi appears to teach a pair of resinous substrates; however, Utsumi does not teach or suggest a resinous layer for planarizing an uneven surface of the resinous substrate and a thin film transistor formed over the resinous layer.

Therefore, Wakai '644 or Nishiki and Utsumi do not teach or suggest that a pair of resinous or flexible substrates have an uneven surface, and a resinous layer is formed on at least one of the pair of resinous or flexible substrates, where the resinous layer planarizes the uneven surface.

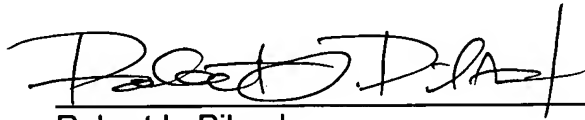
Wakai '137 and Takenouchi do not cure the deficiencies in Wakai '644 or Nishiki and Utsumi. Wakai '137 teaches a glass substrate 1, 21 or 61 and is relied upon to allegedly teach excimer laser light (page 7, Paper No. 20060516). Takenouchi is relied upon to allegedly teach the particular composition of a resinous layer. However, Wakai '644 or Nishiki and Utsumi, Wakai '137 and Takenouchi, either alone or in combination, do not teach or suggest that a pair of resinous or flexible substrates have an uneven surface, and a resinous layer is formed on at least one of the pair of resinous or flexible substrates, where the resinous layer planarizes the uneven surface.

Since Wakai '644 or Nishiki and Utsumi, Wakai '137 and Takenouchi do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 68 and 69 have been added to recite additional protection to which the Applicant is entitled. The features of claims 68 and 69 are supported in the present specification, for example, by page 3, lines 11-22. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 68 and 69 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Pilaud", written over a horizontal line.

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